

92<sup>d</sup> CONGRESS  
1<sup>ST</sup> SESSION

S. 1736

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 1971

Referred to the Committee on Public Works

## AN ACT

To amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That this Act may be cited as the "Public Buildings Amend-  
4 ments of 1971".

5 SEC. 2. The Public Buildings Act of 1959 (42 U.S.C. 479), as amended (40 U.S.C. 601 et seq.), is amended as  
6 follows:  
7

8 (1) delete the figure "\$200,000" in subsection (b)

1 of section 4 and insert the figure "\$500,000" in lieu  
2 thereof;

3 (2) delete the figures "\$100,000" and "\$200,000"  
4 in subsection (a) of section 7, and insert in each case  
5 the figure "\$500,000" in lieu thereof;

6 (3) delete "and such approval has not been re-  
7 scinded as provided in subsection (c) of this section"  
8 in subsection (a) of section 7;

9 (4) delete the word ", maximum" in clause (2)  
10 of subsection (a) of section 7;

11 (5) delete in such section all of subsections (c) and  
12 (d) ;

13 (6) delete in subsection (a) of section 12 the follow-  
14 ing: ", as he determines necessary,"; and

15 (7) insert at the end of section 12 (c) the following  
16 sentence: "In developing plans for such new buildings,  
17 the Administrator shall give due consideration to excel-  
18 lence of architecture and design."

19 SEC. 3. Subsection (f) of section 210 of the Federal  
20 Property and Administrative Services Act of 1949, as  
21 amended (40 U.S.C. 490 (f) ), is amended to read as fol-  
22 lows:

23 (f) (1) There is hereby established in the Treasury of  
24 the United States on such date as may be determined by the

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1 Administrator, a fund into which there shall be deposited the  
2 following revenues and collections:

3 “(i) User charges made pursuant to subsection (j) (1)  
4 of this section payable in advance or otherwise.

5 “(ii) Proceeds with respect to building sites authorized  
6 to be leased pursuant to subsection (a) of this section.

7 “(iii) Receipts from carriers and others for loss of, or  
8 damage to, property belonging to the fund.

9 “(2) Moneys deposited into the fund shall be available  
10 for expenditure for real property management and related  
11 activities in such amounts and for such purposes as specified  
12 in annual appropriation Acts: *Provided*, That authorizations  
13 for capital expenditures may be made without regard to  
14 fiscal year limitations.

15 “(3) There are hereby merged with the fund estab-  
16 lished under this subsection, unexpended balances of (A)  
17 the Buildings Management Fund (including any surplus  
18 therein), established pursuant to this subsection prior to its  
19 amendment by the Public Buildings Amendments of 1971;  
20 (B) the Construction Services Fund, created by section 9  
21 of the Act of June 14, 1946 (60 Stat. 259), as amended;  
22 (C) any funds appropriated to General Services Adminis-  
23 tration under the headings ‘Repair and improvement of  
24 Public Buildings’, ‘Payments, Public Buildings Purchase

1 'Contracts', 'Construction, Public Buildings Projects', 'Sites  
2 and Expenses, Public Buildings Projects', 'Construction,  
3 Federal Office Building Numbered 7, Washington, D.C.',  
4 and 'Additional Court Facilities', in any appropriation Acts  
5 for the years prior to the fiscal year in which the fund be-  
6 comes operational; and (D) such sums as may be appropri-  
7 ated thereto: *Provided*, That the fund shall assume all the  
8 liabilities, obligations, and commitments of the said (1)  
9 Buildings Management Fund, (2) Construction Services  
10 Fund, and (3) the appropriations specified in (C) hereof.

11 "(4) Advances are hereby authorized to be appropri-  
12 ated to the fund to carry out its purposes: *Provided*, That  
13 such advances shall, within thirty years, be repaid with  
14 interest at a rate not less than a rate determined by the  
15 Secretary of the Treasury taking into consideration the  
16 current average market yield on outstanding marketable  
17 obligations of the United States with remaining period to  
18 maturity comparable to the average maturities of such  
19 advances adjusted to the nearest one-eighth of 1 per centum:  
20 *And provided further*, That any appropriations made to  
21 the General Services Administration for the direct Federal  
22 construction of public buildings after July 31, 1971, shall,  
23 within thirty years from the date of obligation, be repaid  
24 as above.

25 "(5) In any fiscal year there may be deposited to mis-

1 cellaneous receipts such amount as may be specified in the  
2 annual budget estimates for the fund.

3 “(6) Nothing in this section shall preclude the General  
4 Services Administration from providing special services not  
5 included in the standard level user charge, such as security  
6 guarding, alterations, and space adjustments requested by  
7 and for the convenience of any agency, design and engineer-  
8 ing services, and similar special services, on a reimbursable  
9 basis and such reimbursements may be credited to the fund  
10 established under this subsection.”

11 SEC. 4. Section 210 of the Federal Property and Ad-  
12 ministrative Services Act of 1949, as amended (40 U.S.C.  
13 490), is amended by adding three new subsections reading  
14 as follows:

15 “(j) The Administrator is authorized—

16 “(1) to charge any eligible agency furnished serv-  
17 ices, space, quarters, maintenance, repair, or other facili-  
18 ties (hereinafter referred to as space and services), at  
19 rates to be determined by the Administrator from time  
20 to time and provided for in regulations issued by him.

21 Such rates and charges shall approximate commercial  
22 charges for comparable space and services: *Provided*,  
23 That with respect to those buildings for which the Ad-

24 ministrator of General Services is responsible for altera-  
25 tions only (as the term ‘alter’ is defined in section 13 (5).

of the Public Buildings Act of 1959 (73 Stat. 49), as amended (40 U.S.C. 612 (5)), the rates charged the occupant agency or agencies for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such alterations. Agencies, or activities within agencies, may be exempted from the charges provided by this subsection, if the President of the United States determines that such charges would be infeasible or impractical. To the extent, any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue.

“(2) to alter Federal buildings;

“(3) to maintain, operate, and protect public build-

ings (as defined in the Public Buildings Act of 1959, as

amended) and sites, and provide services related thereto,

including demolition and improvement with respect to

sites authorized to be leased pursuant to subsection (a)

of this section, by contract or otherwise;

“(4) to rent space in buildings in the District of

Columbia notwithstanding the provisions of the Act of

March 3, 1877 (40 U.S.C. 34); and

“(5) to provide such fencing, lighting, guard

booths, and other facilities on private or other property

1 not in Government ownership or control as may be ap-  
2 propriate to enable the United States Secret Service to  
3 perform its protective functions pursuant to section 3056  
4 of title 18, United States Code and the Act of June 6,  
5 1968, 82 Stat. 170.

6 “(k) Any other executive agency, in addition to Gen-  
7 eral Services Administration, which provides to an eligible  
8 agency space and services set forth in subsection (j) (1) of  
9 this section, is authorized to charge the eligible agency for  
10 such space and services at rates approved by the Admin-  
11 istrator. Moneys derived by other agencies from such rates  
12 or fees shall be credited to the appropriation or fund initially  
13 charged for providing the service, except that amounts which  
14 are in excess of actual operating and maintenance costs of  
15 providing the service shall be credited to miscellaneous  
16 receipts unless otherwise authorized by law.

17 “(l) As used in this section—

18 “(1) The terms, ‘eligible agency’ or ‘eligible agencies’  
19 shall have the same meaning as the term ‘Federal agency’ as  
20 defined in section 3 (b) of the Federal Property and Admin-  
21 istrative Service Act, as amended (40 U.S.C. 472), and  
22 include mixed ownership corporations (as defined in the  
23 Government Corporation Control Act), the government of  
24 the District of Columbia, private persons, or organizations.

25 “(2) The term ‘real property management and related



1 activities shall include the functions of acquisition, design,  
2 construction, alteration, renting, operation, maintenance, pro-  
3 tection, moving, demolition, and other like functions which  
4 General Services Administration or other agencies are author-  
5 ized by law to provide eligible agencies."

6 SEC. 5. The Public Buildings Act of 1959 (73 Stat.  
7 479), as amended (40 U.S.C. 601), is amended by adding  
8 a new section 4 and renumbering the existing section 4 and  
9 subsequent sections appropriately. The new section 4 shall  
10 read as follows:

11 "(a) Whenever the Administrator determines that the  
12 best interests of the United States will be served by taking  
13 action hereunder, he is authorized to provide space for an  
14 eligible agency (as defined in section 210(1)) of the Fed-  
15 eral Property and Administrative Services Act of 1949,  
16 as amended (40 U.S.C. 490) by entering into purchase  
17 contracts, the terms of which shall not be less than ten or  
18 more than thirty years and which shall provide in each case  
19 that title to the property shall vest in the United States at or  
20 before the expiration of the contract term and upon ful-  
21 fillment of the terms and conditions stipulated in each of  
22 such purchase contracts. Such terms and conditions shall  
23 include provision for the application to the purchase price  
24 agreed upon therein of installment payments made there-  
25 under.

9

1     “(b) Each such purchase contract shall include such  
2     provisions as the Administrator, in his discretion, shall deem  
3     to be in the best interests of the United States and appropri-  
4     ate to secure the performance of the obligations imposed  
5     upon the party or parties that shall enter into such agree-  
6     ment with the United States. No such purchase contract shall  
7     provide for any payments to be made by the United States  
8     in excess of the amount necessary, as determined by the  
9     Administrator, to—

10     “(1) amortize the cost of improvements to be con-  
11     structed plus the fair market value, on the date of the  
12     agreement, of the site, if owned or acquired by the con-  
13     tractor; and

14     “(2) provide a reasonable rate of interest on the  
15     outstanding principal as determined under (1) above;  
16     and

17     “(3) reimburse the contractor for the cost of any  
18     other obligations assumed by him under the contract,  
19     including (but not limited to) payment of taxes, costs  
20     of carrying appropriate insurance, and costs of repair  
21     and maintenance if so assumed by the contractor.

22     “(c) Funds now or hereafter available for the payment  
23     of rent and related charges for premises, whether appro-  
24     priated directly to the General Services Administration or  
25     to any other agency of the Government and received by

1 said Administration for such purpose, may be utilized by the  
2 Administrator to make payments becoming due from time to  
3 time from the United States as current charges in connection  
4 with agreements entered into under authority of this section.

5 “(d) With respect to any interest in real property ac-  
6 quired under the provisions of this section, the same shall be  
7 subject to State and local taxes until title to the same shall  
8 pass to the Government of the United States.

9 “(e) For the purpose of purchase contracts provided  
10 for in this section for the erection by the contractor of build-  
11 ings and improvements for the use of the United States, the  
12 Administrator is authorized to enter into agreements with  
13 any person, copartnership, corporation, or other public or  
14 private entity, to effectuate any of the purposes of this sec-  
15 tion; and is further authorized to bring about the develop-  
16 ment and improvement of any land owned by the United  
17 States and under the control of the General Services Admin-  
18 istration including the demolition of obsolete and outmoded  
19 structures situated thereon, by providing for the construction  
20 thereon by others of such structures and facilities as shall  
21 be the subject of the applicable purchase contracts, and by  
22 making available such plans and specifications for the con-  
23 struction of a public building thereon as the Government may  
24 possess: *Provided*, That projects heretofore approved pur-  
25 suant to the provisions of the Public Buildings Act of 1959,

1 as amended (40 U.S.C. 601 et seq.), and in which no  
2 substantial change in scope has been made, and for which  
3 the estimated cost of construction has not increased by more  
4 than an average of 10 per centum per year, may be con-  
5 structed under authority of this section without further  
6 approval, and the prospectuses submitted to obtain such  
7 approval shall for all purposes be considered as prospectuses  
8 for the purchase of space.

9 “(f) Except for previously approved prospectuses re-  
10 ferred to in (e) above, no purchase contract shall be entered  
11 into pursuant to the authority of this section until a pros-  
12 pectus therefor has been submitted and approved in accord-  
13 ance with section 8 of this Act.

14 “(g) No purchase contract shall be entered into under  
15 the authority granted under this section after a period of  
16 three full fiscal years from the date of enactment.”

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17 SEC. 6. To carry out the provisions of the Public Build-  
18 ings Amendments of 1971, the Administrator of General  
19 Services shall issue such regulations as he deems necessary.

20 SEC. 7. Funds available to any eligible agency may be  
21 used to pay user charges established under section 210 (j)  
22 and (k) of the Federal Property and Administrative Serv-  
23 ices Act of 1949, as amended.

24 SEC. 8. The Public Buildings Act (73 Stat. 479), as

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*Relocation  
act  
provision  
included*

1 amended (40 U.S.C. 601 et seq.) is amended by adding at  
2 the end thereof a new section 19, as follows:

3 "SEC. 19. Prior to the acquisition of real property for  
4 the construction or alteration of any Federal building under  
5 this Act:

6 "(a) The Administrator of General Services shall file a  
7 statement with the Secretary of Housing and Urban Develop-  
8 ment and the Administrator of the Small Business Adminis-  
9 tration detailing—

10 "(1) the total number of residential and small busi-  
11 ness units and structures to be demolished or removed by  
12 such alterations or construction;

13 "(2) the measures taken to assure compliance with  
14 all provisions of the Uniform Relocation Assistance and  
15 Real Property Acquisition Policies Act of 1970 (84  
16 Stat. 1894).

17 "(b) The Secretary of Housing and Urban Development  
18 and the Administrator of the Small Business Administration  
19 shall justify to the Administrator that the measures taken in  
20 conjunction with the proposed construction or alteration are  
21 consistent with the Federal policy of assuring that, prior to  
22 displacement of any person or business, there be available in  
23 areas not generally less desirable in regard to public utilities  
24 and public and commercial facilities and at rents and prices  
25 within the financial means of the persons and businesses dis-

1 placed, decent, safe, and sanitary housing and small business  
2 units and structures equal in number to the number of and  
3 available to such displaced persons or businesses who require  
4 such units and reasonably accessible to the dwelling places or  
5 places of employment of such displaced persons or  
6 businesses.”

7 SEC. 9. This Act shall become effective upon enact-  
8 ment. The effective date of applying the rates to be charged  
9 pursuant to the regulations to be issued under subsections  
10 (j) (1) and (k) of section 210 of the Federal Property  
11 and Administrative Services Act of 1949, as amended, shall  
12 be as determined by the Administrator of General Services  
13 but in any event shall not be later than the beginning of  
14 the third full fiscal year subsequent to the enactment thereof. //

Passed the Senate November 1, 1971.

Attest:

FRANCIS R. VALEO,

*Secretary.*